



Ministry
of Defence

**Directorate Children & Young People
Policy Directive 3.2.9**

Exclusions Policy for MOD Schools

Version 2.0 January 2017

Preface

Authorisation

1. This DCYP Policy Directive has been authorised for use by the Director, Children & Young People.

Coherence with other Policy and Guidance

2. Where applicable, this document contains links to other relevant policies (including JSPs and Other Government Departments), as listed below

Related Policy and/or Documents	Title
Department for Education (DfE, 2012 - last updated Feb 2015)	Exclusions from maintained schools, Academies and pupil referral units in England
DfE, January 2016	Behaviour and discipline in schools
DCYP Policy Directive 3.2.10, last updated December 2016	Managing Challenging Behaviour (issued 2013)
Annex A	Model Letter - Fixed Term Exclusion
Annex B	Model Letter - Permanent Exclusion

Further Advice and Feedback - Contacts

3. The owner of this DCYP Policy Directive is the Senior Principal MOD Schools. For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

Job Title/E-mail	Project focus	Phone
Senior Principal MOD Schools DCYP-SenPrin-MODSchools@mod.uk	DCYP MOD Schools	+44 (0)1980 61 8718

Review Date

4. This Policy Directive will be reviewed in January 2018.

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Introduction

1. Unless otherwise stated, MOD Schools should follow the statutory guidance on the [exclusion of pupils](#) issued by the Department for Education (DfE).
2. Exclusion is one of a range of sanctions that can be applied to pupils for a breach or breaches of a school's behaviour policy. Guidance on behaviour and discipline in schools, including the content of school behaviour policies, is detailed in the [Behaviour and discipline in schools](#) guidance issued by DfE.
3. MOD Schools overseas should also take note of the DCYP Policy Directive 3.2.10 Managing Challenging Behaviour issued in 2013.
4. The Department for Education has issued statutory guidance on the [exclusion of pupils](#). The latest version of this guidance was issued in June 2012 and updated in February 2015. Unless otherwise stated, MOD Schools should follow the DfE statutory guidance, including any updates to the version mentioned above.

Summary of Process

5. A pupil may be excluded for one or more fixed periods up to a maximum of 45 school days in a single academic year. In exceptional cases, a pupil may be excluded permanently.
6. 'Informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion, even for a short period of time, must be formally recorded.
7. The pupil's parents or carers must be informed of the exclusion without delay. This must be done in writing by the head teacher, confirming:
 - the reasons for the exclusion;
 - the period of the exclusion;
 - parents' right to make representations or
 - if applicable, to appeal against the exclusion and such other requirements as set out in the DfE statutory guidance.
8. The letter confirming the exclusion must be copied to the Senior Principal MOD Schools (or such other post holder as nominated by the Senior Principal) and to the Chair of the SGC.
9. If the head teacher provisionally decides that a pupil should be permanently excluded; or that a pupil should be excluded for a total of more than five school days in any term; or that as a result of the exclusion the pupil would lose the opportunity to take a public examination or a National Curriculum test; the head teacher must contact the Senior Principal MOD Schools by telephone to discuss the matter before confirming the exclusion. The need to consult outside the school goes beyond the DfE guidance, and is necessitated by the impact that permanent, repeated or extended exclusions can have on the pupil's family and the difficulty in making alternative arrangements overseas. It is expected that the head teacher will already have had extensive discussion with the relevant Senior Educational Psychologist before consultation with the Senior Principal MOD Schools.

Education for Excluded Pupils

10. For a fixed term exclusion of any length, the pupil's current school remains responsible for arranging suitable education for the excluded pupil, e.g. by providing work for the pupil to complete at home.

11. For a permanent exclusion, DCYP MOD Schools will work in partnership with the school to identify and arrange alternative provision, for example by employing a local supply teacher to work with the pupil, combined with a programme of web-based learning and support. DCYP MOD Schools' staff will work with the excluded pupil and parents to identify longer-term options for the pupil's continued education. In some cases, a 'managed move' may be possible where other MOD Schools are locally available.

12. Any discussion on availability of alternatives and any implications for the posting of a parent of a permanently excluded pupil should be undertaken in a way that is transparent to all stakeholders, including reference to any relevant Command-level structures, e.g. the BFG Additional Needs Panel. Decisions on possible alternative postings are the sole responsibility of the Chain of Command.

Representations, Reviews and Appeals

13. For fixed term exclusions that do not take the pupil's total days of exclusion above five for the term, parents may make representations to the head teacher, but there is no right of appeal.

14. An Exclusion Review Panel (ERP) meeting must be arranged if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total days of exclusion above fifteen for the term;
- it would result in the pupil missing a public examination or National Curriculum test.

15. In addition to the requirement for ERP meetings to be held in the above circumstances, parents can request an ERP meeting for a fixed period exclusion of more than five school days in a single term.

16. If an ERP meeting upholds the head teacher's decision to exclude a pupil permanently, parents can appeal to a Permanent Exclusion Appeal Panel (PEAP).

Exclusion Review Panel

17. The Exclusion Review Panel provides independent scrutiny of the head teacher's exclusion decision, bringing together the views of the SGC, DCYP MOD Schools and the head teacher of a different school.

18. An ERP should comprise:

- one member of the SGC, either the SGC chair or the nominee thereof;
- one senior member of DCYP MOD Schools staff at C1 equivalent level or above;
- one head teacher from another MOD School in a different area.

19. The ERP should be chaired by the SGC representative.
20. If parents wish to request an ERP meeting to consider a fixed term exclusion of more than five days, this must be notified to the chair of the SGC within 10 school days of receiving the exclusion letter.
21. An ERP meeting should be arranged within fifteen school days of receiving a parental request. Clear minutes of the meeting should be taken as a record of the evidence that was considered. The administration of the meeting will be arranged by the DCYP MOD Schools representative.
22. The ERP must consider:
 - the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interest of other pupils and people working at the school;
 - any representations made by the parents;
 - any representations made by the head teacher.
23. When establishing the facts in relation to an exclusion decision, the ERP must apply the civil standard of proof, i.e. 'on the balance of probabilities' rather than 'beyond reasonable doubt'.
24. The parents and head teacher have the right to make representations to the ERP in person or in writing, or both. If attending in person, the ERP should ask all parties to withdraw before making a decision. The ERP should aim to reach an unanimous decision. Where this is not possible, the decision will be taken by simple majority.
25. The ERP has the right either to uphold the exclusion or to direct the pupil's reinstatement. If the latter, this may be immediately or earlier than the last date set for the fixed term exclusion. Where reinstatement is not practical because for example, the pupil has already returned to school or the parents make clear they do not want their child reinstated, the ERP must, in any event, consider whether the head teacher's decision to exclude the pupil was justified based on the evidence. The ERP does not have the right to increase the length of an exclusion.
26. The ERP decision must be notified to the parents and head teacher in writing without delay.

Permanent Exclusion Appeal Panel

27. If the ERP upholds the decision that a pupil should be excluded permanently, parents have a right of appeal to a Permanent Exclusion Appeal Panel (PEAP). If parents wish to exercise this right, the appeal must be notified to the Senior Principal MOD Schools within 10 school days of receiving the ERP decision.
28. The PEAP will be chaired by the Senior Principal MOD Schools. The other member of the PEAP will be a representative from the staff of the relevant Command HQ at Lt Col or equivalent level, or above. If requested by the parents or considered necessary by the chair of the PEAP, an independent Special Educational Needs (SEN) expert may be appointed to advise the panel.

29. The PEAP meeting should be arranged within fifteen school days of receiving an appeal. The meeting should ideally take place in the same area as that in which the school is situated. If this is not practical, the Senior Principal MOD Schools will determine how the meeting will be conducted, including the possibility of PEAP members and other parties to the meeting attending via VTC. The administration of the meeting will be carried out by DCYP MOD Schools staff.

30. The PEAP must consider:

- the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interest of other pupils and people working at the school;
- any representations made by the parents;
- any representations made by the head teacher;
- if present, the advice given by the independent SEN expert.

31. The PEAP should aim to reach a unanimous decision. Where this is not possible, the chair will have the casting vote.

32. The PEAP has the right either to uphold the exclusion or to direct the pupil's reinstatement. The PEAP decision must be notified to the parents and head teacher in writing without delay.

Model Letters

33. Model letters confirming a head teacher's decision to exclude a pupil for a fixed term or permanently are at Annex A and Annex B of this DCYP Policy Directive.

MOD SCHOOLS EXCLUSIONS POLICY – MODEL LETTER FOR FIXED TERM EXCLUSION

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** for a fixed period of **[specify period]** school days. This means that he/she will not be allowed back in to school until **[date]**.

[Pupil's name] has been excluded because **[reason for exclusion]**.

[For pupils of compulsory school age]

While s/he is excluded, you have a duty to ensure that **[pupil's name]** is not present in a public place in school time unless there is reasonable justification for this. We will set work to be completed during the period of **[pupil's name]** exclusion. **[Specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[For exclusions not exceeding five school days]

If you disagree with my decision to exclude **[pupil's name]**, you have the right to make comments or representations to me, but there is no right of appeal.

[For exclusions which would bring the pupil's total days of exclusion above fifteen in a term, or which would result in the pupil missing a public examination or national curriculum test]

Because the exclusion means that **[pupil's name]** will have been excluded for more than fifteen days this term, an Exclusion Review Panel (ERP) meeting will be arranged to review my decision. You will have the opportunity to make representations to the ERP if you wish. Further information about the ERP meeting will be provided by DCYP MOD Schools' staff based in Trenchard Lines, Upavon.

OR

Because the exclusion would result in **[pupil's name]** missing a public examination/National Curriculum test **[delete as appropriate]**, an Exclusion Review Panel (ERP) meeting will be arranged to review my decision. You will have the opportunity to make representations to the ERP if you wish. Further information about the ERP meeting will be provided by DCYP MOD Schools' staff based in Trenchard Lines, Upavon.

[For exclusions which bring the pupil's total days of exclusion in that term to more than five but less than sixteen]

If you choose to request it, an Exclusion Review Panel (ERP) meeting can be arranged to review my decision. The panel would comprise one member from the School Governance Committee (SGC), one member from DCYP MOD Schools, and the head teacher of a different MOD School. You would have the right to make representations to the ERP, in writing, in person or both. If you wish to request an ERP meeting, you should confirm this in writing to the chair of the SGC within ten school days of receiving this letter. The chair of the SGC is **[put chair's name and contact details]**.

[Optional paragraph]

You and **[pupil's name]** are requested to attend a reintegration meeting with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient please contact the school as soon as possible to arrange an alternative date and time. The purpose of the meeting is to discuss how best to manage your child's return to school and to avoid any further exclusions.

To reiterate, **[pupil's name]**'s exclusion expires on **[date]** and I expect him/her to be back in school as usual on **[date]** at **[time]**.

Yours sincerely

[Name]

Head teacher

Copies:
SGC Chair
Senior Principal MOD Schools

MOD SCHOOLS EXCLUSIONS POLICY – MODEL LETTER FOR PERMANENT EXCLUSION

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[pupil's name]** permanently with effect from **[date]**. This means that **[pupil's name]** will not be allowed back to this school unless he/she is reinstated by an Exclusion Review Panel (ERP) or a Permanent Exclusion Appeal Panel.

I realise that this exclusion may be upsetting for you and your family, but the decision to exclude **[pupil's name]** permanently has been taken only after very serious consideration. S/he has been excluded because **[reasons for the exclusion, including why this amounts to a serious and/or persistent breach of the school's behaviour policy and why it is believed that allowing the pupil to remain would seriously harm the education or welfare of pupils or others]**.

Because this is a permanent exclusion, an ERP meeting must be arranged to review my decision. The panel will comprise one member from the School Governance Committee, one member from DCYP MOD Schools' headquarters, and the head teacher of a different MOD School. The panel has the power either to reinstate **[pupil's name]** or to uphold the permanent exclusion. You have the right to attend the panel meeting to state your views about the exclusion and whether **[pupil's name]** should be reinstated.

If the ERP upholds the permanent exclusion decision you have the right of appeal to a Permanent Exclusion Appeal Panel.

You will be notified separately of the date for the ERP meeting, which should be within fifteen school days of the date of exclusion. You can be accompanied at the meeting by a friend or representative if you wish.

While **[pupil's name]** is excluded, the school will continue to set and mark work for him/her to do at home. However, this is only a temporary arrangement, pending a decision about an alternative school placement. I would ask you to ensure that the work set by the school is completed and returned promptly for marking.

Yours sincerely

[Name]

Head teacher

Copies:
SGC Chair
Senior Principal MOD Schools